

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

H0005246

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/699,311

Filed

October 30, 2003

First Named Inventor

James C. Fye

Art Unit

2421

Examiner

Chenea Smith

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/JASON R. GRAFF/

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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March 10, 2009

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.:	10/699,311	Confirmation No.:	3928
Applicant:	James C. Fye	TC/A.U.:	2421
Filed:	October 30, 2003	Examiner:	Chenea Smith
Docket No.:	H0005246	Customer No.:	00128

Title: ARCHITECTURE FOR MULTI-CHANNEL VIDEO PROCESSING

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**REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW**

As outlined below, there are clear errors in the Patent Office's rejections. Errors in the rejection of claims 1-28 are discussed herein.

**A. Claims 1, 4, 7, 19, and 26**

Claims 1, 4, 7, 19, and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,118,498 issued to Reitmeier ("*Reitmeier*") in view of U.S. Patent Application Publication No. 2002/0051469 filed by Miller-Smith ("*Miller-Smith*"). Applicant respectfully traverses the rejection.

To render a claim obvious, the cited references must disclose each and every element of the rejected claim (*see* MPEP § 2143). Among other elements, claim 1 defines an apparatus for display of video data from a plurality of video sources comprising "a plurality of video channels configured to be coupled to different video sources" and "a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels" (emphasis added). Applicant submits that the combination of *Reitmeier* and *Miller-Smith* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office admits that *Reitmeier* "does not specifically disclose a plurality of video sources" (Paper No./Mail Date 20081207, page 4). Moreover, in reviewing *Reitmeier* Applicant is unable to discern any sections of *Reitmeier* disclosing such

elements. In fact, in response to the Patent Office's allegation that the demodulators (reference numerals 15A and 15B) in FIG. 1 of *Reitmeier* are equivalent to Applicant's decoders defined in claim 1 (see *Id.*), Applicant submits that one skilled in the art knows that a demodulator and a decoder are different devices and are not interchangeable because a demodulator, in this instance, converts an analog signal to a digital since, whereas a decoder decodes information from the digital signal. In fact, *Reitmeier* discloses a single decoder (reference numeral 45) in FIG. 1, showing that *Reitmeier* understands the difference between demodulators 15A, 15B and decoder 45. Therefore, Applicant submits that if *Reitmeier* desired to use a decoder in place of demodulators 15A, 15B, *Reitmeier* would have disclosed such. As such, one skilled in the art knows that demodulators 15A, 15B are not the same as a decoder, and accordingly, demodulators 15A, 15B cannot be replaced by a decoder in *Reitmeier*'s device. Therefore, *Reitmeier* fails to disclose at least "a plurality of video channels configured to be coupled to different video sources" and "a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels," as recited in claim 1. The Patent Office relies on the disclosure in *Miller-Smith* to cure the defects of *Reitmeier*; however, Applicant submits that *Miller-Smith* fails to cure such defects.

The Patent Office characterizes *Miller-Smith* as disclosing "a plurality of video sources (see Fig. 2 and [0023])" (*Paper No./Mail Date 20081207*, page 4, citation in original). Though *Miller-Smith* discloses more than one signal source, Applicant respectfully submits that the disclosure in *Miller-Smith* fails to disclose the elements of "a plurality of video channels configured to be coupled to different video sources" and "a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels" as recited in claim 1, and that *Miller-Smith* is not combinable with *Reitmeier*.

In FIG. 2 and paragraph [0023], *Miller-Smith* describes that tuners 110a-d can be connected to separate signal sources; however, *Miller-Smith* does not show "a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels," as recited in claim 1. Specifically, *Miller-Smith* discloses a single decoder (see reference numeral 160 in FIG. 2 of *Miller-Smith*) coupled to a plurality of signal sources. Therefore, *Miller-Smith* fails to disclose at least the elements of "a plurality of video

decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels,” as recited in claim 1 (emphasis added).

In summary, the combination of *Reitmeier* and *Miller-Smith* fails to teach or suggest at least the elements of “a plurality of video channels configured to be coupled to different video sources” and “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels” because *Reitmeier* only discloses two demodulators coupled to a single video source, while *Miller-Smith* only discloses a single decoder coupled to multiple signal sources. Furthermore, Applicant submits that *Reitmeier* and *Miller-Smith* cannot be combined under MPEP § 2143.01.

MPEP § 2143.01, section VI states: “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” Applicant submits that that modifying *Reitmeier* with *Miller-Smith* as the Patent Office suggests will change the principle of operation of *Reitmeier*. Specifically, *Reitmeier* operates to receive a single signal via a single RF source (reference numeral 5 in FIG. 1 of *Reitmeier*). The signal is divided into two intermediate frequency (IF) television signals by tuners 10A and 10B and provided to demodulators 15A and 15B, respectively, to convert the analog signal to a digital signal to produce MPEG-like system streams (see *Reitmeier*, Col. 3, lines 33-57). In contrast, *Miller-Smith* discloses multiple digital signal sources where a single digital signal is chosen by a control processor (reference numeral 170 in FIG. 2 of *Miller-Smith*) for transmission to the single decoder (reference numeral 160 in FIG. 2 of *Miller-Smith*) for decoding “into audio and video components for output to a television” (*Miller-Smith*, paragraphs [0023]-[0024]). Therefore, Applicant submits that using *Miller-Smith*’s method of selecting a single digital signal from multiple sources would change the operation of *Reitmeier*’s method of dividing a single analog signal into multiple analog signals for presentation to multiple demodulators for conversion to digital signals would unduly change the operation of the device in *Reitmeier*. Therefore, *Reitmeier* and *Miller-Smith* are not combinable under MPEP § 2143.01, section VI.

At least for the reasons discussed above, the combination of *Reitmeier* and *Miller-Smith* fails to teach or suggest each and every element of claim 1. Therefore, claim 1 is not obvious over

*Reitmeier* in view of *Miller-Smith*. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claim 1.

Claim 4 depends from claim 1 and includes all of the elements thereof. Therefore, Applicant submits that claim 4 is not obvious over the combination of *Reitmeier* and *Miller-Smith* at least for the same reasons as claim 1, in addition to its own unique features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 4.

Applicant submits that claims 7, 19, and 26 each recite elements similar to claim 1 discussed above. Therefore, Applicant submits that claims 7, 19, and 26 are not obvious over the combination of *Reitmeier* and *Miller-Smith* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 7, 19, and 26.

**B. Claims 2-3, 5-6, 8-18, 20-25, and 27-28**

Claims 2-3, 5-6, 8-18, 20-25, and 27-28 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Reitmeier* in view of *Miller-Smith* and, variously, European Patent No. EP 1,158,788 issued to Machida et al. (“*Machida*”), U.S. Patent No. 6,487,719 issued to Itoh (“*Itoh*”), U.S. Patent No. 5,883,676 issued to Miyazaki et al. (“*Miyazaki*”), U.S. Patent No. 5,719,637 issued to Ohkura (“*Ohkura*”), U.S. Patent Application Publication No. 2004/0003399 filed by Cooper (“*Cooper*”), and/or U.S. Patent No. 6,456,335 issued to Miura et al. (“*Miura*”). Applicant traverses the rejection.

Claims 2-3, 5-6, 8-18, 20-25, and 27-28 depend from claims 1, 7, 14, or 19 and include all of the elements of their respective independent claims. In rejecting claims 2-3, 5-6, 8-18, 20-25, and 27-28, the Patent Office characterizes *Reitmeier* and *Miller-Smith* similar to the rejection of claims 1, 7, 14, or 19 discussed above. Applicant has discussed the failure of the combination of *Reitmeier* and *Miller-Smith* to teach or suggest at least the elements of: “a plurality of video channels configured to be coupled to different video sources” and “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels,” as recited in claim 1 and similarly recited in claims 7, 14, and 19, and respectfully submits that such discussion is equally applicable to claims 2-3, 5-6, 8-18, 20-25, and 27-28 because of their respective dependencies from claims 1, 7, 14, or 19. The Patent Office variously relies on

the disclosure in *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* to cure the defects of *Reitmeier* and *Miller-Smith*; however, Applicant submits that *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* as disclosing the elements of: “a plurality of video channels configured to be coupled to different video sources” and “a plurality of video decoders coupled to the plurality of video channels, each video decoder coupled to a different one of the plurality of video channels,” as recited in claims 2-3 and 5-6 (via claim 1) and similarly recited in claims 8-13 (via claim 7), claims 15-18 (via claim 14), and claims 20-25 and 27-28 (via claim 19). Moreover, in reviewing *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura*, Applicant is unable to discern any sections in *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* disclosing such elements. Therefore, *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* fails to cure the defects of *Reitmeier* and *Miller-Smith*.

The failure of the combination of *Reitmeier, Miller-Smith*, and various combinations of *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura* to disclose each and every element of claims 2-3, 5-6, 8-18, 20-25, and 27-28 is fatal to the obviousness rejection. Therefore, claims 2-3, 5-6, 8-18, 20-25, and 27-28 are not obvious over *Reitmeier* in view of *Miller-Smith* and various combinations of *Machida, Itoh, Miyazaki, Ohkura, Cooper*, and/or *Miura*. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2-3, 5-6, 8-18, 20-25, and 27-28.

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Panel believes that a telephone conference would be useful in moving the application forward to allowance, the Panel is encouraged to contact the undersigned at (480) 385-5060.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date: March 10, 2009

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